

Remarks

Favorable reconsideration of this application, in view of the above amendments and in light of the following remarks, is respectfully requested.

Claims 1-6 and 8-16 are currently pending in the application; independent Claims 1 and 10-12 having been amended by way of the present response. Applicants respectfully assert that support for the changes to the claims is self-evident from the originally filed disclosure, including the original claims, and that therefore no new matter has been added.

In the outstanding Office Action, Claims 1-5, 8-10, 12, and 14-16 were rejected under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 5,813,571 to Gaucher. Claims 6, 11, and 13 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Gaucher in view of U.S. Patent No. 6,308,862 to Fillmore et al. (Fillmore). Applicants respectfully request that the rejections of the claims be withdrawn for the following reasons.

The present invention is directed to bags adapted to contain a product of liquid to pasty consistency, and packaging and dispensing units. Independent Claims 1, 10, and 11 recite, among other features, a wall including a first portion and a second portion, the second portion having a thickness greater than the first portion and having means for attaching to a pump, means for attaching to a casing, and means for attaching to a cap for covering the pump. The means for attaching to the cap includes a groove disposed on an exterior of the second portion between the means for attaching to the pump and the means for attaching to the casing. Independent Claim 12 recites, *inter alia*, a first body portion having a first thickness, and a second body portion disposed adjacent the first body portion and having a second thickness that is greater than the first thickness. The second body portion includes an annular portion adapted to releasably retain a cover, a neck portion adapted to retain a pump, and a shoulder portion disposed between the annular portion and the neck portion. The

shoulder portion includes a groove disposed on an exterior of the shoulder portion adapted to releasably retain a cap for covering the pump.

Gaucher is directed to a device for packaging a product. As shown in Figure 4, for example, of Gaucher, a pump 11 includes a pump body 12 having an inner jacket 22.¹ The inner jacket 22 includes a tubular tip 30, which is provided, at its lower end, with a step 31.² This tip 30 and this step 31 interact with outward radial projections 14a on a lower end of a cylinder 14.³ The cylinder 14 extends into a tubular part 20 of the pump 11, which is forcibly elastically snap-fastened into a rigid annular ring 4.⁴ The rigid annular ring 4 includes an outer ring 5 and an inner ring 6.⁵

Regarding the rejections of independent Claims 1, 10, and 11, Applicants respectfully assert that contrary to the Office Action's assertions Gaucher does not teach or suggest the claimed features of a wall including a portion having means for attaching to a cap for covering a pump, as recited in the independent claims.

The Office Action seems to imply that because the outer ring 5 is asserted to attach to the pump body 12 in Gaucher, the outer ring 5 is analogous to the claimed features of a wall including a portion having means for attaching to a cap for covering a pump, as recited in independent Claims 1, 10, and 11.⁶ Applicants respectfully traverse these assertions for the following reasons.

As discussed above, Applicants respectfully assert that Gaucher states that the pump 11 includes the pump body 12. Restated, Applicants respectfully assert that Gaucher states that the pump body 12 is a portion of the pump 11, and therefore is not analogous to a cap. Thus, Applicants respectfully assert that regardless of whether the outer ring 5 attaches to the

¹ Column 7, lines 17-25; and from Column 7, line 64 to Column 8, line 8.

² Column 7, lines 36-46.

³ Column 8, lines 15-27.

⁴ Column 7, lines 36-46.

⁵ Column 6, lines 39-59.

⁶ Pages 2 and 3, paragraph 4, of the Office Action.

pump body 12 in Gaucher, because the outer ring 5 is not shown or stated as attaching to a cap, the outer ring 5 is not analogous to the claimed features of means for attaching a cap, as recited in independent Claims 1, 10, and 11.

Further, Applicants respectfully assert that even if the pump body 12 of Gaucher was analogous to a cap, Gaucher still does not teach or suggest the claimed features of a wall including a portion having means for attaching to a cap for covering a pump, as recited in independent Claims 1, 10, and 11. Rather, Applicants respectfully assert that Gaucher shows and states that the pump body 12 is connected to the tubular part 20 of the pump 11, which is forcibly elastically snap-fastened into the rigid annular ring 4. Restated, Applicants respectfully assert that Gaucher does not show or state that the pump body 12 attaches to the outer ring 5, but rather states that the pump body 12 attaches to another portion of the pump 11.

Independent Claim 1 recites “a wall comprising a first portion and a second portion, the second portion having . . . means for attaching to a cap for covering the pump.” Independent Claims 10 and 11 recite “a wall including a first portion and a second portion, the second portion having . . . means for attaching to a cap for covering the pump.” Thus, for the above reasons, Applicants respectfully request that the rejection of independent Claims 1 and 10 under 35 U.S.C. § 102(b) be withdrawn, and the independent claims allowed.

Regarding the rejection of independent Claim 11, the Office Action relies on Fillmore in an attempt to remedy the deficiencies of Gaucher. However, Applicants respectfully assert that Fillmore does not teach or suggest, and the Office Action does not rely on Fillmore to teach or suggest, the claimed features of a wall including a portion having means for attaching to a cap for covering a pump, as recited in independent Claim 11.

Thus, for the above reasons, Applicants respectfully assert that neither Gaucher nor Fillmore, whether taken alone or in combination, teaches or suggests the claimed features

recited in independent Claim 11. Therefore, Applicants respectfully request that the rejection of independent Claim 11 under 35 U.S.C. § 103(a) be withdrawn and the independent claim allowed.

Regarding the rejection of independent Claim 12, for reasons similar to those discussed above, Applicants respectfully assert that Gaucher does not teach the claimed features of a body portion including a shoulder portion adapted to releasably retain a cap for covering a pump, as recited in the independent claim. In summary, Applicants respectfully assert that regardless of whether the outer ring 5 attaches to the pump body 12 in Gaucher, because the outer ring 5 is not shown or stated as attaching to a cap, the outer ring 5 is not analogous to the claimed features of a shoulder portion adapted to releasably retain a cap, as recited in independent Claim 12. Further, Gaucher does not show or state that the pump body 12 attaches to the outer ring 5, but rather states that the pump body 12 attaches to another portion of the pump 11.

Specifically, independent Claim 12 recites “the second body portion comprising . . . the shoulder portion . . . adapted to releasably retain a cap for covering the pump.” Thus, Applicants respectfully request that the rejection of independent Claim 12 under 35 U.S.C. § 102(b) be withdrawn and the independent claim allowed.

Dependent Claims 2-6, 8, 9, and 13-16 are also allowable for the same reasons as the independent claims from which they depend, as well as for their own features. Thus, Applicants respectfully request that the rejections of dependent Claims 2-6, 8, 9, and 13-16 under 35 U.S.C. §§ 102(b) and 103(a) be withdrawn and the dependent claims allowed.

Notwithstanding the above discussion, which provides sufficient and adequate grounds for the withdrawal of the rejections, and subsequent allowance, of Claims 1-6 and 8-16, Applicants have amended independent Claims 1 and 10-12 to recite additional features

that are not taught or suggested by the references of record in the application, including Gaucher and Fillmore.

Specifically, Applicants have amended independent Claims 1, 10, and 11 to recite means for attaching to a cap including a groove disposed on an exterior of a portion between means for attaching to a pump and means for attaching to a casing, and have amended independent Claim 12 to recite a shoulder portion disposed between an annular portion and a neck portion, the shoulder portion including a groove disposed on an exterior of the shoulder portion adapted to releasably retain a cap for covering a pump. For the reasons discussed in detail above, Applicants respectfully assert that neither Gaucher nor Fillmore teaches or suggests the claimed features of means for attaching a cap and a shoulder portion adapted to releasably retain a cap, and therefore also do not teach or suggest the claimed features of the specified means and the specified shoulder portion. Applicants respectfully assert that the above discussion provides alternate grounds for the allowance of independent Claims 1 and 10-12, as well as the claims depending therefrom.

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Consequently, in view of the present amendment, no further issues are believed to be outstanding in the present application, and the present application is believed to be in condition for formal Allowance. A Notice of Allowance for Claims 1-6 and 8-16 is earnestly solicited.

Should the Examiner deem that any further action is necessary to place this application in even better form for allowance, the Examiner is encouraged to contact the undersigned representative at the below listed telephone number.

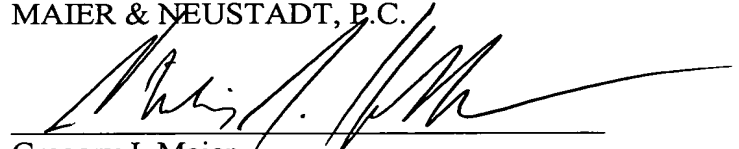
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Respectfully submitted,

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